

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:10-CR-26-2D
NO. 7:10-CR-26-3D
NO. 7:10-CR-26-4D

UNITED STATES OF AMERICA :
:
v. :
:
DOMINGO FLORES PORCAYO :
JOSE PERES :
LAZARO CASTAYO MENDEZ :
:

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of Memorandum of Plea Agreements entered into by the defendants, DOMINGO FLORES PORCAYO, JOSE PERES, and LAZARO CASTAYO MENDEZ, the following property is hereby forfeitable pursuant to 21 U.S.C. § 853, to wit, \$1,165.00 seized from Jose Peres on October 21, 2009, \$54.00 seized from Lazaro Mendez on October 21, 2009 and \$16,150.00 seized from 938 Ricefield Branch Road, Leland, North Carolina; and

WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said property pursuant to 21 U.S.C. § 853;

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreements as to the defendants, DOMINGO FLORES PORCAYO, JOSE PERES, and LAZARO CASTAYO MENDEZ, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the

United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(3), this Order is now final as to the defendants.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3).

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendants, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 17 day of August, 2010.



JAMES C. DEVER, III
United States District Judge